



#10

MAILED

AUG 24 2004

TECHNOLOGY CENTER 2100

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No. 10

Steven M. Greenberg
Christopher & Weisberg, P.A.
200 East Las Olas Boulevard
Suite 2040
Fort Lauderdale, FL 33301

In re Application of:
Gennaro A. Cuomo et al.
Application No. 10/026,388
Filed: December 21, 2001
For: CONTEXT-SENSITIVE CACHING

DECISION ON PETITION
UNDER 37 CFR §1.181 TO
WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the petition filed 18 June 2004 under 37 CFR §1.181 to withdraw the holding of abandonment of the above-identified application.

This application was held abandoned for failure to respond in a timely manner to the Office Action mailed 10 October 2003 (paper no. 5). A Notice of Abandonment was mailed 02 June 2004 (paper no. 8).

In support of the petition, Petitioner provides (1) an affidavit from Frank Medina, (2) a response to the Office Action dated 30 December 2003, (3) a transmittal letter, and (4) a post card with a PTO stamp indicating receipt at the USPTO on 02 January 2004 of the aforementioned items.

M.P.E.P. §503 states:

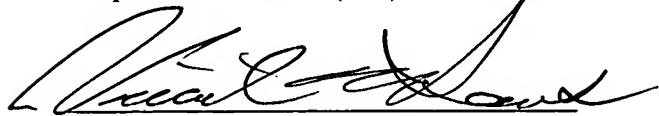
A post card receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Petitioner has established that a response was filed on 02 January 2004. Thus, Petitioner has established that a response was timely filed and the Abandonment was the result of Office error in not matching the response to the application file.

The petition is **GRANTED**. The Notice of Abandonment is **WITHDRAWN**.

The application file is being forwarded to the Technology Center support staff for processing of the amendment. After processing, the application will then be forwarded to the Examiner for appropriate action.

Any inquiry concerning this decision should be directed to Vincent N. Trans whose telephone number is (703) 305-9750.

A handwritten signature in black ink, appearing to read "Vincent N. Trans", written over a horizontal line.

Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security
703-305-9750